



VENUE

2.

Venue is proper in this Court because the Vessel is, or will shortly be, within this District.

THE PARTIES

3.

At all material times to this action, Plaintiff MARTIN OPERATING PARTNERSHIP, LP, is and was a limited partnership duly organized and existing under the laws of Delaware with a principal office in Texas.

4.

At all materials times, Defendant the M/T NORDIC MAYA was and is an oil/chemical tanker of 11,690 gross tons, flying under the flag of Denmark and bearing IMO number 9339351. Upon information and belief, the vessel is owned by MOL CHEMICAL TANKERS PTE, LTD., and operated by DANIA SHIP MANAGEMENT A/S. The vessel is, or will shortly be, within the territorial jurisdiction of the United States District Court for the Eastern District of Texas, at Plaintiff's Stanolind Cut Terminal, #10 Sulfur Plant Road, Beaumont, Texas, 77701 in the Port of Beaumont.

5.

At all materials times, Defendants MOL CHEMICAL TANKERS PTE, LTD., and operated by DANIA SHIP MANAGEMENT A/S are foreign corporations doing business in Texas. Information concerning service of process on these companies is currently unknown but Plaintiff reserves the right to amend this Verified Complaint to allege, if and as necessary, specific service of process information when known for these Defendants.

THE INCIDENT

6.

On April 14, 2020, the Vessel allided into a stationary mooring dolphin and catwalk structure owned by Plaintiff while attempting to dock at Plaintiff's Stanolind Cut Terminal located in Beaumont, Texas causing damages to said mooring dolphin and catwalk structure. In addition, Plaintiff has incurred expenses associated with surveying the damaged facilities and retaining surveyors, adjusters and the undersigned attorneys in an attempt to recover the damages caused to the damaged facilities. The total amount of damages is currently in the approximate amount of \$300,000.00 which will increase if additional third-party services, expenses, etc. are required to recover the sums specified herein.

7.

Prior to filing this Verified Complaint, Plaintiff attempted to resolve all issues related to the damage caused by the M/Y NORDIC MAYA when it allided with the Plaintiff owned stationary damaged structures but representatives of the Vessel did not take responsibility nor pay the damages, thus necessitating the filing of this Verified Complaint.

RULE C ARREST UNDER EXIGENT CIRCUMSTANCES

8.

Plaintiff seeks jurisdiction over the *in rem* defendant, the M/T NORDIC MAYA, pursuant to Rule C of the Supplemental Rules for Admiralty or Maritime Claims. The damages caused to Plaintiff's property when the M/T NORDIC MAYA allided into it gives rise to a maritime lien against the M/T NORDIC MAYA. This action is brought in order to obtain security so that Plaintiff may be made whole for the damages caused to its property as specified

herein.

9.

Upon information and belief, the M/T NORDIC MAYA is or soon will be located in this District in the Port of Beaumont, Texas and specifically at Plaintiff's Stanolind Cut Terminal, #10 Sulfur Plant Road, Beaumont, Texas, 77701, but it is anticipated the Vessel will not be docked or otherwise located within this District for long, perhaps only a limited number of hours. Undersigned counsel certifies pursuant to Rule C(3)(ii) that exigent circumstances exist making court review of this Verified Complaint impracticable as the Vessel may leave this District prior to the Court's review of this Verified Complaint and related pleadings. As such, request is made for the Clerk of Court to promptly issue a summons and a warrant for the arrest of the M/T NORDIC MAYA, which is the subject of this action, commanding the United States Marshal for the Eastern District of Texas to seize the M/T NORDIC MAYA and further seeks that the Vessel thereafter be sold at judicial sale, the proceeds thereof to be deposited into the registry of the Court and, after due proceedings are had, to be disbursed to Plaintiff in satisfaction of the maritime lien and debt owed.

10.

All and singular of the premises are true and within the admiralty jurisdiction of the United States of America and of this Court.

WHEREFORE, Plaintiff, MARTIN OPERATING PARTNERSHIP, LP prays:

- a. This Verified Complaint Under Exigent Circumstances be deemed good and sufficient;
- b. That a judgment be entered in favor of Plaintiff and against the M/T NORDIC MAYA, her engines, tackle, apparel, equipment, appurtenances, etc., *in rem*, MOL

CHEMICAL TANKERS PTE, LTD., *in personam*, and DANIA SHIP MANAGEMENT A/S, *in personam*, in the amount of at least THREE HUNDRED THOUSAND AND 00/100 (\$300,000.00) DOLLARS, with any additional damages Plaintiff may prove at the trial of the action, plus pre and post judgment interest, expenses, costs of suit and attorneys' fees;

- c. That process in due form of law, according to the practice of this Court in cases of admiralty jurisdiction issue against the M/T NORDIC MAYA, her engines, tackle, appurtenances, etc., *in rem*, and that all persons claiming any title or right to said vessel be cited to appear and answer under oath the allegations of this Verified Original Complaint;
- d. That the M/T NORDIC MAYA, her engines, tackle, apparel, etc., be condemned and sold and that this Court award Plaintiff, MARTIN OPERATING PARTNERSHIP, LP, out of the proceeds of said sale the full amount of their damages, together with interest, expenses, costs of suit and attorneys' fees;
- e. That the M/T NORDIC MAYA, her engines, tackle, apparel, etc., be condemned and sold and that this Court award Plaintiff, MARTIN OPERATING PARTNERSHIP, LP, out of the proceeds of said sale the full amount of their damages, together with interest, expenses, costs of suit and attorneys' fees; and
- f. That this Court grant Plaintiff, MARTIN OPERATING PARTNERSHIP, LP such other and further relief as may be just and proper.

Respectfully submitted,

**CHAFFE MCCALL, L.L.P.**

/s/John M. Ribarits

JOHN M. RIBARITS

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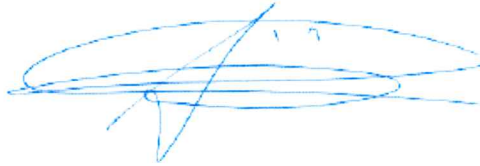
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**COUNSEL FOR PLAINTIFF, MARTIN  
OPERATING PARTNERSHIP, LP**

STATE OF TEXAS           §  
                                     §       VERIFICATION  
COUNTY OF HARRIS       §


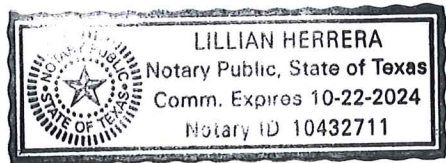
BEFORE ME on this day came John M. Ribarits, and being duly sworn, did  
depose and state:

My name is John M. Ribarits and I am a partner with the firm of CHAFFE MCCALL,  
L.L.P., attorneys for the Plaintiff herein. I have read the foregoing Verified Original Complaint  
Under Exigent Circumstances and know the contents thereof and that the same are true and  
correct, based upon knowledge, information and belief.



JOHN M. RIBARITS

SUBSCRIBED AND SWORN TO BEFORE ME this 26<sup>th</sup> day of April, 2021.

  
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Notary Public, in and for the  
State of Texas